

1 Michael C. Osborne (SBN: 98539)
2 mosborne@shb.com
3 Sara Tropea (SBN: 227270)
4 stroepea@shb.com
5 SHOOK, HARDY & BACON L.L.P.
333 Bush Street, Suite 600
San Francisco, California 94104-2828
Telephone: 415.544.1900
Facsimile: 415.391.0281

6 Attorneys for Defendants
7 THE HOME DEPOT, INC. and
8 IRWIN INDUSTRIAL TOOL COMPANY
(erroneously sued as "Benzomatic")

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 FELICIANO REYES,

12 Plaintiff,

13 vs.

14 THE HOME DEPOT, A Georgia Corporation,
15 BENZOMATIC, a New York Corporation, and
16 DOES 1-50, inclusive,

17 Defendants.

) Case No.: C-06-04863 SC

) **STIPULATION TO DISMISS ACTION**
) **WITH PREJUDICE**

) **AND ORDER THEREON**

18
19 Plaintiff Feliciano Reyes and defendants The Home Depot and Irwin Industrial Tool
20 Company (erroneously sued herein as "Benzomatic"), by and through their respective attorneys of
21 record, hereby stipulate as follows:

22 Whereas, the parties along with their counsel mediated this case before a private mediator;

23 Whereas, the parties settled the case and a release has been executed and defendants have
24 complied with the settlement terms of such release;

25 Accordingly,

26 IT IS HEREBY STIPULATED THAT:

27 The action in its entirety may be dismissed by the Court with prejudice, both sides to bear
28 their own respective attorneys' fees and costs; and

1 The Pre-trial Conference date and the Trial date may be vacated by the Court.

2
3 IT IS SO STIPULATED:

4 Dated: September 20, 2007

LAW OFFICES OF FRANK MAYO

6 By: 

FRANK MAYO
Attorneys for Plaintiff
FRANCISCO REYES

8 Dated: September 24, 2007

SHOOK, HARDY & BACON L.L.P.

10 By: 

MICHAEL C. OSBORNE
SARA TROPEA
Attorneys for Defendants
THE HOME DEPOT, INC. AND
IRWIN INDUSTRIAL TOOL
COMPANY

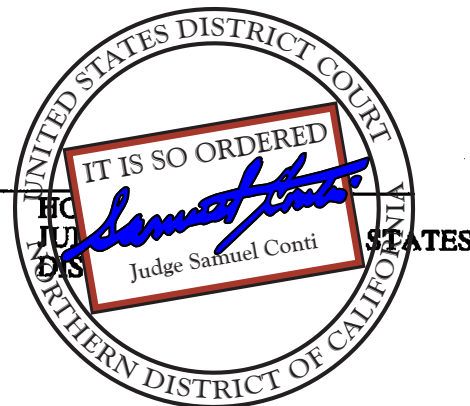
16 **ORDER**

17 UPON STIPULATION OF THE PARTIES AND GOOD CAUSE APPEARING,

18 IT IS ORDERED THAT this action be and is hereby dismissed in its entirety with prejudice,
19 both sides to bear their respective attorneys' fees and costs. The Pre-trial Conference date and the
20 Trial date are ordered vacated.

21 Dated: September 27, 2007

23 By: 



28 2 STIPULATION FOR DISMISSAL AND ORDER

CASE NO. C 06-04863 SC